(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,

CHHATTISGARH

Single Bench

WRIT PETITION NO. 5053 OF 2004

PETITIONER:

Neelkanth Sinha, S/o Anand Ram, Aged about 35 years, Removed from the post of General Mazdoor Grade-II, South East Coalfields Limited, Bagdewa Project, Singali Sub Area, District Korba (Chhattisgarh).

P.R. No. 5053/04
Presented by Shri S.A. Dharmadhikari
dated 24/12/04

Versus

RESPONDENTS:

1. South East Coalfields Limited, Through its Chairman-Cum-Managing Director, Bilaspur (C.G.).

2. Deputy General Manager, South East Coalfields Limited, Delwadihi, Singali Sub Area, District Korba (C.G.).

3. Mines Superintendent, South East Coalfields Limited, Bagdewa Project, District Korba (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 5053 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	25.2.2005 Shri H.S.Patel, counsel for the petitioner. Shri Praveen Das, Pane Lawyer takes notice on behalf of respondents. Heard on admission. The petition has been filed against the impugned order dated 28/29.6.2004(Annexure P- 1) by which the petitioner has been removed from his services. The case of the petitioner is that a charge sheet was issued to him on account of his absence from the duty. A reply to that charge sheet was filed by the petitioner and the same was not found satisfactory, on which a departmental enquiry was directed to be conducted against the petitioner. The Enquiry Officer submitted his report in which he found the charges proved, leveled against the petitioner. After submission of the enquiry report, a show cause notice was issued to the petitioner on 5.3.2004(Annexure P-3) and reply was sought by the disciplinary authority within 7 days. The reply was also filed by the petitioner to that show cause notice. The disciplinary authority after considering the reply, passed impugned order of punishment which is under challenge before this Court.	

(3)

HH-32C—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Admittedly, there is a provision of appeal in the standing order, applicable in case of the petitioner. The appeal has not been filed.

Learned counsel for the petitioner submits that he may be permitted to file an appeal against the impugned order and if some grievance remains, a liberty may be granted to him to come to this Court again.

Since an efficacious alternative remedy is available to the petitioner, this Court is of the opinion that the same should be exhausted before coming to the writ Court in accordance with law.

The prayer is allowed.

The petitioner may file an appeal before the appropriate authority, which shall be decided by him in accordance with law. If any grievance remains to the petitioner, he may again approach to this Court in an appropriate forum.

With the aforesaid observations, the petition stands finally disposed of at this stage.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge